

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ON POINT COURIER and LEGAL SERVICES, LLC,

Plaintiff,

v.

No. 2:20-cv-811 MV/KRS

U-HAUL INTERNATIONAL INC., et al.,

Defendants.

ORDER SETTING DEADLINES

THIS MATTER comes before the Court *sua sponte* upon review of the record. On June 23, 2020, Plaintiff On Point Courier and Legal Services, LLC filed a *pro se* civil complaint in the New Mexico Twelfth Judicial District Court. (Doc. 1-1). Defendants removed the case to this Court and the presiding judge referred the case to the undersigned to recommend an ultimate disposition. (Doc. 14). On August 19, 2020, Defendants filed a Motion to Dismiss asking the Court to dismiss Plaintiff's claims pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim or, in the alternative, stay the case and compel arbitration. (Doc. 3). Plaintiff did not file a response to the Motion to Dismiss, which constitutes consent to grant the Motion pursuant to the Court's Local Rule 7.1(b). However, on February 16, 2021 Plaintiff obtained counsel and is no longer proceeding *pro se*. For that reason, and because it is preferable to address the merits of a motion, the Court will set a deadline for Plaintiff to respond to the Motion to Dismiss. *See Lee v. Max Int'l, LLC*, 638 F.3d 1318, 1321 (10th Cir. 2011) ("[O]ur legal system strongly prefers to decide cases on their merits.").

IT IS THEREFORE ORDERED that Plaintiff shall respond to Defendants' Motion to Dismiss, (Doc. 3), on or before **April 1, 2021**. Defendants may file a reply to their Motion to Dismiss on or before **April 15, 2021**.



KEVIN R. SWEAZE
UNITED STATES MAGISTRATE JUDGE